UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,889	12/20/2001	Jae Yoon Jeong	0630-1386P	2124

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EXAMINER
SONG, JASMINE

ART UNIT	PAPER NUMBER
2188	

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 March 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>3-7,9-16 and 18-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>3-7,9-16 and 18-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>20 December 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Detailed Action

1.   This office action is in response to Amendment A, mailed 03/05/2004, paper #5,

which canceled claims 1-2, 8 and 17. Claims 3-7,9-16 and 18-20 are therefore still

pending. All rejections and objections not explicitly repeated below are withdrawn.

Specification

2.   The lengthy specification has not been checked to the extent necessary to

determine the presence of all possible minor errors. Applicant's cooperation is

requested in correcting any errors of which applicant may become aware in the

specification.

Claim Objections

3.   Claims 3, 7 and 12 are objected to because of the following informalities:

Claim 3, lines 9, "one time the possible number" should be changed to –one time

to the possible number--.

Claim 7, lines 8-9, "one time the possible number" should be changed to –one

time to the possible number--.

Claim 12, lines 10-11, "one time the possible number" should be changed to –

one time to the possible number--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4.   The rejection of claims 3-7,9-16 and 18-20 under 35 U.S.C. 102(e) as being

anticipated by Itoi are maintained and updated as shown below.

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b),
> by another filed in the United States before the invention by the applicant for patent or (2) a
> patent granted on an application for patent by another filed in the United States before the
> invention by the applicant for patent, except that an international application filed under the treaty
> defined in section 351(a) shall have the effects for purposes of this subsection of an application
> filed in the United States only if the international application designated the United States and
> was published under Article 21(2) of such treaty in the English language.

6.   Claims 3-7,9-16 and 18-20 are rejected under 35 U.S.C. 102(e) as being

anticipated by Itoi., US 2001/0012440 A1.

Regarding claim 3, Itoi teaches that an apparatus for moving contents,

comprising:

a receiver for receiving contents (it is taught as a set top box STB as shown in

Fig.1);

a first storage medium (it is taught as the tuner section 12 as shown in Fig.1,

col.2, section 0031) for storing the received contents (the stream data stored in the

tuner section 12 as shown in Fig.1); and

a processor (it is taught as the general control section 11 in Fig.1,col.2, section

0030-0031) for processing a program which controls the movement of the contents to a

second storage medium (one of storage medium such as the hard disk drive 2, the

optical disk drive 3 and the VTR 4 as shown in Fig.1) by analyzing a copy control code

of the contents (col.3, section 0041) and storing the contents in the second storage

medium (col.3, section 0038, lines 3-6) by converting the copy control code of the

contents according to the result of the analysis (col.3, section 0038), wherein the copy

control code of the contents is converted by increasing by one time to the possible

number of copies of the contents (it is taught as the copy control code of the contents

11 is converted by increasing by one time to the possible number of copies of the

contents 10, col.3, section 0043, lines 9-14) if the copy control code is determined to

indicate a restricted number of copies as a result of the above analysis (it is taught as

the copy control code is 10 , that is, contents which can be copied only once) and

mutual authentication is performed between the first storage medium and the second

storage medium (it is taught as the general control section 11 which includes a central

processing unit controls the recording apparatus connected to the set top box, col.3,

section 0041, lines 10-13, CPU has to perform the mutual authentication before

contents are recorded between STB and one of the recording medium 2-4).

Regarding claim 4, Itoi teaches the processor converts the copy control code of

the contents to a single copy, when the contents of which the copy control code is set

as no copy are moved to the second storage medium (col.3, section 0043, lines 9-14).

Regarding claim 5, Itoi teaches the processor deletes the original contents of the

first storage medium after the contents move to the second storage medium (col.3,

section 0038, lines 6-12).

Regarding claim 6, Itoi teaches further comprising an interface (Fig.1, digital interface section 14) for interfacing between the first storage medium and the second storage medium (col.2, section 0041, last four lines).

Regarding claim 7, Itoi teaches that a method for moving contents, comprising the steps of:

analyzing a copy control code of the contents (col.3, section 0041) when a user demands (contents inputted with the copy control code is controlled by the user) moving the contents (col.3, section 0041, last four lines) from a first storage medium (it is taught as the tuner section 12 as shown in Fig.1, col.2, section 0031) to a second storage (one of storage medium such as the hard disk drive 2, the optical disk drive 3 and the VTR 4 as shown in Fig.1); and storing the contents in the second storage medium (col.3, section 0038, lines 3-6) by converting the copy control code of the contents according to the result of analysis (col.3, section 0038), wherein the copy control code of the contents is converted by increasing by one time to the possible number of copies of the contents (it is taught as the copy control code of the contents 11 is converted by increasing by one time to the possible number of copies of the contents 10, col.3, section 0043, lines 9-14) if the copy control code is determined to indicate a restricted number of copies as a result of the above analysis (it is taught as the copy control code is 10 , that is, contents which can be copied only once) and mutual authentication is performed between the first storage medium and the second storage medium (it is

taught as the general control section 11 which includes a central processing unit

controls the recording apparatus connected to the set top box, col.3, section 0041, lines

10-13, CPU has to perform the mutual authentication before contents are recorded

between STB and one of the recording medium 2-4).

Regarding claim 9, Itoi teaches wherein the copy control code of contents is not

converted if the copy control code is determined to indicate an unrestricted number of

copies (it is taught as contents inputted with the copy control code of "00" which copy-

free, col.3, section 0044).

Regarding claim 10, Itoi teaches that the copy control code is converted to a

single copy if the copy control code is determined to indicate no copies (col.3, section

0043, lines 9-14).

Regarding claim 11, Itoi teaches further comprising a step of: deleting original

contents stored in the first storage medium (col.3, section 0038, lines 6-12).

Regarding claim 12, Itoi teaches that a method for moving contents, comprising

the steps of:

reading a set value of a moving determination bit in a header of packet of

the contents (it is taught as the copy control code is "00", 10" etc.) if a user demands

moving contents (col.3, section 0041, lines 5-10) from a first storage medium (it is

taught as the tuner section 12 as shown in Fig.1, col.2, section 0031) to a second

storage medium (one of storage medium such as the hard disk drive 2, the optical disk

drive 3 and the VTR 4 as shown in Fig.1);

judging whether the contents can be moved according to the set value (col.3,

section 0041); and

moving the contents from the first storage medium to the second storage medium

if the contents can be moved as the result of the above (col.3, section 0041) judgment

by analyzing the copy control code of the contents (col.3, section 0038), wherein the

copy control code of the contents is converted by increasing by one time to the possible

number of copies of the contents (it is taught as the copy control code of the contents

11 is converted by increasing by one time to the possible number of copies of the

contents 10, col.3, section 0043, lines 9-14) if the copy control code is determined to

indicate a restricted number of copies as a result of the above analysis (it is taught as

the copy control code is 10 , that is, contents which can be copied only once) and

mutual authentication is performed between the first storage medium and the second

storage medium (it is taught as the general control section 11 which includes a central

processing unit controls the recording apparatus connected to the set top box, col.3,

section 0041, lines 10-13, CPU has to perform the mutual authentication before

contents are recorded between STB and one of the recording medium 2-4).

Regarding claim 13, Itoi teaches further comprising a step of: deleting original

contents stored in the first storage medium (col.3, section 0038, lines 6-12).

Regarding claim 14, Itoi teaches wherein the moving determination bit is set using a bit of the packet (col.5, section 0063).

Regarding claim 15, Itoi teaches wherein the step of moving is to copy the contents from the first storage medium to the second storage medium regardless of the result of judgment of the possible number of copies (col.4, section 0054).

Regarding claim 16, Itoi teaches wherein the step of moving comprises the steps of:

deleting the original contents stored in the first storage medium after storing the contents in the second storage medium by converting the copy control code of the contents (col.3, section 0038, lines 6-12) according to the result of analysis.

Regarding claim 18, Itoi teaches wherein the copy control code is not converted if the copy control code is determined to indicate an unrestricted number of copies as the result of the above analysis (it is taught as contents inputted with the copy control code of "00" which copy-free, col.3, section 0044).

Regarding claim 19, Itoi teaches wherein the copy control code is converted to a single copy if the copy control code is determined to indicate no copies as the result of the above analysis (col.3, section 0043, lines 9-14).

Regarding claim 20, Itoi teaches further comprising a step of:

copying the contents from the first storage medium to the second storage

medium if the contents can not be moved by the set value (col.3, section 0043, last 6

lines).

Response to Applicant's Arguments

7.   Applicant's arguments with respect to claims 3,7 and 12 have been considered

but are moot in view of the new ground(s) of rejection.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

9.   When responding to the office action, Applicant is advised to clearly point out the

patentable novelty which he or she thinks the claims present in view of the state of the

art disclosed by the references cited or the objections made. He or she must also show

how the amendments avoid such references or objections. See 37 C.F.R. 1.111 (c).

10.   When responding to the office action, Applicants are advised to provide the

examiner with the line numbers and page numbers in the application and/or references

cited to assist examiner to locate the appropriate paragraphs.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jasmine Song whose telephone number is 703-305-

7701. The examiner can normally be reached on 8:00-5:30 (first Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mano Padmanabhan can be reached on 703-306-2903. The fax phone

numbers for the organization where this application or proceeding is assigned are 703-

872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

Jasmine Song

Patent Examiner

May 3, 2004

Mano Padmanabhan

Supervisory Patent Examiner

Technology Center 2100